

**IN THE U.S. DISTRICT COURT FOR MARYLAND,
SOUTHERN DIVISION**

BEYOND SYSTEMS, INC.)

Plaintiff)

v.)

Case No. PJM 08 cv 0921

WORLD AVENUE USA, LLC, et al.)

Defendants)

**DEFENDANT WORLD AVENUE USA, LLC'S MOTION FOR ORDER TO SHOW
CAUSE AS TO PROHIBITED SUMMARY JUDGMENT MOTION**

Defendant, WORLD AVENUE USA, LLC ("WAUSA") hereby respectfully moves for the expedited issuance of an Order to Show Cause as to:¹

a) Why Plaintiff BEYOND SYSTEMS, INC. ("BSI") should not be held in civil contempt for direct violation of the Court's November 29, 2010 decree barring the parties from filing any further Motions For Summary Judgment by filing a prohibited Motion for Summary Judgment on the Three Trial Issues [ECF 697];

b) Why BSI's counsel, Stephen H. Ring ("Ring") and Michael S. Rothman ("Rothman") should not be held in civil contempt for their direct complicity in Plaintiff BSI's violation of the Court's November 29, 2010 decree by filing a prohibited Motion for Summary Judgment on the Three Trial Issues [ECF 697];

As remedial sanctions for these acts of civil contempt, WAUSA requests that BSI, Ring and Rothman be Ordered to Show Cause why:

a) Each of them should not be held in civil contempt;

¹ WAUSA's efforts to avoid having to file this Motion are detailed in the Local Rule 104 Certification attached as Exhibit 1 to the Memorandum of Points and Authorities.

b) The Motion for Summary Judgment at letter at DE 698 should not be stricken;

c) The Court should not enter an award of monetary sanctions against BSI, Ring and Rothman.

In support thereof, WAUSA submits its Memorandum of Points and Authorities filed contemporaneously herewith, and further states:

1. Plaintiff BSI is in contempt of Court for disobeying this Court's November 29, 2010 decree barring the parties to file Motions For Summary Judgment by filing a prohibited Motion for Summary Judgment on the Three Trial Issues [ECF 697].

2. Ring and Rothman are in contempt of Court for their complicity in Plaintiff BSI's violation of the Court's November 29, 2010 decree by filing a prohibited Motion for Summary Judgment on the Three Trial Issues [ECF 697].

WHEREFORE, Defendant WORLD AVENUE USA, LLC respectfully requests the issuance of an Order to Show Cause on the grounds set forth above, and for such other and further relief as the Court deems just and appropriate.

Dated: June 2, 2011.

Respectfully submitted,
Attorneys for World Avenue USA, LLC

GREENBERG TRAURIG, LLP

/s/

Sanford M. Saunders, Jr., Esq.
USDC, MD #4734
saunderss@gtlaw.com
Nicoleta Burlacu, Esq.
BurlacuN@gtlaw.com
Admitted Pro Hac Vice
GREENBERG TRAURIG, LLP
2101 L Street, NW, Suite 1000
Washington, DC 20037
Telephone: 202-331-3100
Facsimile: 202-331-3101

--and--

Kenneth A. Horky, Esq.
Florida Bar No. 691194
horkyk@gtlaw.com
John L. McManus, Esq.
Florida Bar No. 0119423
mcmanusj@gtlaw.com
Admitted Pro Hac Vice
GREENBERG TRAURIG, P.A.
401 East Las Olas Boulevard, Suite 2000
Fort Lauderdale, FL 33301
Telephone: 954-765-0500
Facsimile: 954-765-1477